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ABSTRACT

On January 1, 1980, the Illinois state legislature mandated tenure for community college faculty and established conditions under which tenure could be acquired and reasons and procedures for dismissal. One provision of the act precluded the dismissal of a tenured faculty member who was "competent to render" service carried out by an employee with less seniority. This provision failed to define the phrase "competent to render" services and caused fears that faculty could be bumped from their positions on a college-wide, rather than departmental, basis. To deal with these issues, the Illinois Valley Community College (IVCC) Board of Trustees developed policies that (1) defined the master's degree as the basic standard for teaching in a particular subject area; (2) distinguished academic personnel from academic support personnel; (3) provided for the preparation of a list of the competencies and qualifications of all full-time faculty and support personnel and for the development of a "Minimum Qualifications Handbook" for faculty and support positions; and (4) determined that movement of personnel would occur only in times of staff reduction. The outcomes of these policies have benefitted faculty and the administration in that the Board of Trustees is now protected by a formal policy on tenure and academic qualifications and that the faculty now have clearly defined competency agreements specifying the areas in which they are qualified to render services. (HB)

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REDUCTIONS IN FORCE IN HIGHER EDUCATION: ONE COLLEGE'S RESPONSE TO THE ILLINOIS COMMUNITY COLLEGE TENURE ACT

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Prior to January 1, 1980, community colleges in Illinois had the legal power but not the legal obligation to provide tenure rights for their faculty members. On January 1, 1980, however, Illinois community colleges found that the state legislature had mandated tenure.

The key provisions of Public Act 81-1100 (Section 103, B-1, et seq., Ch. 102, Ill. Rev. Stats): (1) outlined the procedures and time frames within which employees could acquire tenure in the community college districts in the state; (2) spelled out the reasons and procedures for the dismissal of tenured and non-tenured personnel; and (3) defined some, but not all, of the key terms used in the statute.

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Faculty Concerns

It did not take long for the majority of the faculty and academic support personnel at the Illinois Valley Community College to focus upon the provision in the law which spelled out the

procedures for reductions in force. Of particular concern was the following language:

> "...the employment of no tenured faculty member may be terminated under the provisions of this Section while any probationary faculty member, or any other employee with less seniority, is retained to render a service which the tenured employee is competent to render." (Sec. 105B-5, emphasis added.)

Lack of Legally Defined Minimum Qualifications

Despite the obvious significance of the term "competent to render" services in the statutory framework, the State Legislature provided no definition for the term. Moreover, in Illinois there are no legal minimum standards required for teaching in community colleges. In contrast, the qualifications of Illinois elementary and secondary teachers, like those of most elementary and secondary teachers in the United States are regulated by state certification laws. Virtually the only statement in either statute or administrative regulation concerning the qualifications required of Illinois community college faculty members is a brief reference in the Board policy manual of the Illinois Community College Board, which states:

> "A professional staff, educated and prepared in accordance with generally accepted standards and practices for teaching, supervision, and administration in the discipline and subject field to which they are assigned. These include

collegiate study and/or professional experience. As a general rule, graduate work to the master's degree or beyond in the subjects or fields taught is expected except in such subjects and fields in which the work experience and related training is the principal teaching medium."

The absence of any statutory definition of the key phrase "competent to render" services created obvious faculty anxieties. For example, it had always been assumed and practiced at the institution that seniority existed only within a faculty member's own division of the College and within his or her own teaching area. Prior to enactment of the Community College Tenure Act in January of 1980, the Illinois Valley Community College Board, had, in fact,

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negotiated reduction in force provisions with the faculty union which insured that reductions in force would be effected within divisions. The new tenure law expanded the seniority and bumping rights potential to a campus-wide possibility with its "competency to render" clause and lack of any reference to divisional or departmental boundaries.

Faculty Fears

As faculty members become better acquainted with the new law relative to the campus-wide seniority and bumping provisions, a new

fear evolved. Who in other divisions or departments of the College now would be qualified to bump on a seniority basis? Could a librarian with a bachelor's degree in English now bump an English instructor with less institutional seniority? Could a History teacher with an undergraduate degree in Business bump a Business instructor with less seniority? Could someone in Reading with eighteen hours of Psychology bump into the Psychology department?

Development of Board Policies

One of the first steps taken by the College was to develop Board policies to reflect the intent of the Community College Tenure Act and to provide necessary protection for the Board of Trustees when and if it faced problems concerning staff retrenchment.

The following summarizes the major provisions in the new Board policies that were adopted in February of 1981:

(1) The general hiring policy was adopted to reflect the wording in the Illinois Community College Board Redbook which stated that the "master's degree or beyond in the subject areas and... work experience and related training in subject areas where college programs are not normally available" are the accepted general hiring standards.

(2) Academic Support Personnel were defined as counselors, assistants to instruction and librarians.

(3) The administration was directed to maintain a listing of competencies and qualifications for all full-time faculty and academic support personnel.

(4) The Board policies also made it clear that possible movement outside of a person's present position will only affect such personnel at such time as staff reduction(s) may affect their present status as a full-time employee.

(5) The Board would develop and maintain a Minimum Qualifications Handbook for faculty and academic support positions.

Faculty Input and the Qualifications Handbook

To provide some order in the process of seeking faculty input, the College's five division chairpersons were requested to obtain faculty input for the developing of a handbook to establish minimum qualifications to define the term "competent" to render services". The role of the Dean of Instruction at the College in this product was to act as a mediator in the problem

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areas and to provide for overall safeguards such as reviewing the document for consistency and to guard against self-serving recommendations.

Faculty members wrestled with the problem of establishing a standard high enough to guarantee the quality of faculty preparation, but yet not eliminate the faculty members who were presently teaching in an area without the academic or job experience credit necessary to

satisfy the "minimum qualifications" being recommended for the Board policy handbook.

"Grandfathering" in Established Competencies

It was at this point that the administration made it known that the minimum qualification handbook would not be compromised in order to "protect" all existing personnel who may not fit the qualifications being recommended as "minimum". The administration did, however, set up a process that would provide for a thorough review of each faculty and academic support member's experience at the college. Personal academic preparation, work experience, and any other considerations faculty members provided was reviewed for support. The possibility of "grandfathering in" competencies provided the vehicle necessary to recognize teaching and academic support service experience that would not be recognized by a minimum qualifications handbook.

The Establishing of Competency Sheets

Individual "competency agreement" sheets were developed for each faculty and academic support member at the college. The agreements listed each course for which faculty members had been deemed competent to teach. Other courses that the people had academic or experience qualifications for but had not taught were listed on this form under "qualified". A statement was made to indicate competencies would be withheld until the course(s) is successfully taught at the college.

The following definitions were developed to define the terms "qualifications", "competent", and "competencies":

(1) QUALIFIED - The term used to designate the minimum preparation level necessary for teaching or academic support employees to be hired for a specific area of instruction or an academic support position at I.V.C.C.

(2) COMPETENT - The term used to refer to a teaching or academic support employee who has both the minimum preparation level and who has successfully undergone the tenure evaluation system at I.V.C.C. and/or has successfully prepared for and taught individual courses for I.V.C.C.

(3) COMPETENCIES - The term used to spell out exact areas of competence of a faculty member of academic support employee at I.V.C.C.

The movement from "qualified" to "competent" definitely reflected the College's process of evaluation toward tenure and toward a process that would now spell out how new "competencies" could be obtained by individual faculty and academic support members.

Several faculty members were not "grandfathered" in for courses they had previously taught either because they lacked the minimum qualifications established for the course(s) or because they had not kept professionally current in the field. "Professionally current" was defined as having recent affiliations, attendance at related conferences or workshops, and reasonably current coursework.

Lowering of the Fears

The development of the Qualifications Handbook helped to allay the anxieties of faculty members who were fearful of being "bumped" by persons in other departments and disciplines who had at least a bachelor's degree preparation in their field. The consistency across divisions in establishing the master's degree as the minimum qualification in all of the transfer disciplines immediately answered most of the concern that had been raised by faculty at the time the tenure law had been passed. The establishment of a bachelor's degree and related experience in the teaching field provided the same type of protection for those instructors in the occupational teaching disciplines.

Establishing the Qualifications Handbook has also given a new thrust to administrators in hiring of personnel in fields where there is a shortage of persons available. A waiver of a minimum requirement may be allowed during initial hiring but individual non-tenured staff contracts now specify what one must do during the non-tenured or probationary period in order to be considered "qualified" prior to a tenure appointment. In some cases contract clauses, calling for the master's degree in a given field, or up to 1,200 more hours of experience in an occupational related discipline, are now inserted in initial contracts.

Lingering Problems

Since the College chose not to impose its decisions on the faculty members, but chose instead to involve faculty members, the total process of developing Board policy, individual competency

forms and the qualifications handbook took over eighteen months to achieve.

Many department meetings, staff meetings and sections of Board of Trustee meetings were devoted to the College's attempts to provide procedures for dealing with possible reductions in force within the framework of the Illinois Community College Tenure Act.

Perhaps because of the failure of some individuals to understand the importance of some of the steps involved in the process, there remains some remnants of misunderstanding at the institution. As with most issues involving job security, the College found that it is almost impossible to develop a procedure which will please all parties concerned.

During a period in Illinois when economic conditions have been highly unstable and when retrenchment in community colleges in Illinois becomes a stronger possibility, many of the early questions that caused unrest and concern have been answered as a result of the process.

Outcomes

The campus-wide qualification review process has produced the following results:

(1) The College Board of Trustees now has policies that clearly spell out its rights and responsibilities relative to decisions concerning the hiring, evaluation, tenure, and reduction in force of faculty and academic support personnel.

(2) The Board of Trustees has formally adopted a "Qualifications Handbook for Full-Time Faculty and Academic Support Personnel", a document developed following thorough input and review by both administrative and faculty personnel.

(3) The faculty anxiety concerning possible mass personnel movement between divisions because of the tenure law's emphasis on campus-wide seniority has subsided with the adoption of the new Board policies and the qualifications handbook.

(4) The tenured faculty and academic support personnel have clearly defined individual competency agreements spelling out their areas of "competency to render" at Illinois Valley Community College.

References

[1]Rapp, James A. and Ortbal, Thomas J., "Illinois Public Community College Act: Tenure Policies and Procedures". Illinois Community College Trustees Association, Springfield, IL, March, 1980.

[2]Illinois Community College Board, Policy Manual, Springfield, IL, July, 1978.

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